

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7053**

**BILL NUMBER:** HB 1220

**DATE PREPARED:** Dec 28, 2000

**BILL AMENDED:**

**SUBJECT:** Forcible Felony Against a Victim less than 12.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill allows a court to sentence a person who committed a forcible felony to an additional fixed term of imprisonment if the victim of the forcible felony was less than 12 years of age. The bill specifies that the court may sentence the person to an additional fixed term of imprisonment of: (1) not more than ten years if the victim was at least seven years of age but less than 12 years of age; and (2) not more than 20 years if the victim was less than seven years of age.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** This bill would increase state expenditures by allowing courts to increase the terms of imprisonment for forcible felony, as specified in this bill. Individuals who commit a forcible felony can receive penalties that range from a Class A to a Class D felony. The prison terms and average time served are provided in the following table. This bill allows for an increase in these prison terms, as described above.

Felony	Prison Term	Average Time Served
Class A	20 to 50 years	8 years, 4 months
Class B	6 to 20 years	3 years, 6 months
Class C	2 to 8 years	2 years
Class D	6 months to 3 years, or reduction to a Class A misdemeanor	10 months

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A, B, C, or D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.